

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MONDO VALDEZ,

Petitioner,

v.

KELLY ARLO,

Respondent.

Case No. C07-5353 FDB

ORDER ADOPTING REPORT
AND RECOMMENDATION
DENYING PETITION WITHOUT
PREJUDICE


This matter comes before the Court on the Report and Recommendation of the Magistrate Judge that Petitioner's request for habeas corpus relief be denied and the petition be dismissed without prejudice. The Petitioner has not filed objection to the analysis of the Report and Recommendation.

The Court having reviewed the Report and Recommendation of the Hon. J. Kelley Arnold United States Magistrate Judge, Petitioner's response to the Report and Recommendation, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) This petition is **DENIED WITHOUT PREJUDICE**. If Petitioner wishes to challenge prior convictions in the context of his current sentence and conviction he may be able to do so if the issues are exhausted and not time barred. However, the petition must challenge the 2002 conviction which petitioner is now serving.
- (3) The Clerk is directed to send copies of this Order to Petitioner's counsel, and the

1 Hon. J. Kelley Arnold.

2 DATED this 19th day of October, 2007.

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8 FRANKLIN D. BURGESS
9 UNITED STATES DISTRICT JUDGE
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